

**REMARKS**

With this amendment, independent claims 1, 5, 15 and 19 have been amended. Applicant submits that the modifications are supported at least at page 10, line 22, to page 11, line 3, of the Specification. Claims 1-5, 7-9, 13-23 are all the claims pending in the application<sup>1</sup>.

**I. Statement of Substance of Interview**

On August 3, 2006, Applicant's representative, Bhaskar Kakarla, conducted a telephonic interview with the Examiner. Applicant's representative and the Examiner discussed independent claim 1 and whether Applicant's proposed amendment would overcome the § 102 rejection of claims 1-3, 5, 7-9, 13-17 and 19-23 over Safai *et al.* if introduced in a formal amendment. Agreement was reached in that the Examiner indicated that the proposed amendment will overcome the §102 rejection if introduced.

**II. Claim Rejections - 35 U.S.C. § 102**

The Examiner has maintained his rejection of claims 1-3, 5, 7-9, 13-17 and 19-23 under 35 U.S.C. § 102(e) as being anticipated by Safai *et al.* (US 6,167,469) ["Safai"]. For at least the following reasons, Applicant traverses the rejection.

Claim 1, as amended, recites an image data processing system that comprises a "digital camera [that] comprises a selection means selecting between the first memory section and the second memory section for selectively storing the image data, wherein, when the second memory section is selected as a storage for the image data by the selection means, the image data is transmitted to the second memory section without being stored into the first memory section ..."

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<sup>1</sup> Applicant notes that the claim status listing on the Office Action Summary Sheet is incorrect.

The Examiner contends that Safai discloses a storage 212 that corresponds to the claimed first memory section and a storage 614 that corresponds to the claimed second memory. The Examiner also contends that a selection means is inherent to the system disclosed in Safai. (Office Action at page 2.)

Applicant submits that Safai does not disclose or suggest a selection means that selects between storage 212 and storage 614 for selectively storing the image data such that the image data is transmitted to storage 614 without being stored into storage 212.

In the interview conducted on August 3, the Examiner acknowledged that Safai did not disclose or suggest this feature. Accordingly, Applicant submits that claim 1 is patentable.

Because independent claims 5, 15 and 19 recite features similar to those given above with respect to claim 1, Applicant submits that these claims are patentable for at least reasons similar to those given above with respect to claim 1.

Applicant submits that claims 2, 3, 7-9, 13, 14, 16, 17 and 20-23 are patentable at least by virtue of their respective dependencies.

## **II. Claim Rejection - 35 U.S.C. § 103**

The Examiner has maintained his rejection of claims 4 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Safai. For at least the following reasons, Applicant traverses the rejection.

Applicant submits that claims 4 and 18 are patentable at least by virtue of their respective dependencies.

In addition, Applicant submits that the Examiner use of Official Notice is still improper. The Examiner cites reference, Shaw *et al.* (US 5,745,758), for allegedly disclosing that the

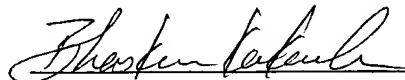
features in claims 4 and 18 would have been common knowledge. However, Applicant submits that Shaw *et al.* do not disclose a camera that “includes selecting means for selecting said second processing means” (claim 4) or a camera that “includes a selecting circuit that selects one of said second processing circuits” (claim 18). Shaw *et al.*, at most, disclose a document instruction set computing (DISC) apparatus that communicates with other devices. (Fig., 1, Col. 5, lines 5-16.) Accordingly, the features of claims 4 and 18 would not have been obvious to one skilled in the art at the time of the invention.

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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